

ORRIN G. HATCH, UTAH, CHAIRMAN

CHARLES E. GRASSLEY, IOWA
ARLEN SPECTER, PENNSYLVANIA
JON KYL, ARIZONA
MIKE DEWINE, OHIO
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
LARRY CRAIG, IDAHO
SAXBY CHAMBLISS, GEORGIA
JOHN CORNYN, TEXAS

PATRICK J. LEAHY, VERMONT
EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS
JOHN EDWARDS, NORTH CAROLINA

BRUCE ARTIM, CHIEF COUNSEL AND STAFF DIRECTOR
BRUCE A. COHEN, DEMOCRATIC CHIEF COUNSEL AND STAFF DIRECTOR

ORIGINAL

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, DC 20510-6275

August 3, 2004

RECEIVED

AUG 18 2004

Federal Communications Commission
Office of the Secretary

Mr. Michael Powell
Chairman, Federal Communications Commission
445 Twelfth Street, SW, Room TW-A235
Washington, DC 20554

Dear Chairman Powell:

It has come to our attention that the July 28, 2004 filing by Bruce E. Boyden, Esq. on behalf of the Motion Picture Association of America and its member companies in MB Docket Nos. 04-61, 04-62 and 04-64 contained a statement that the Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights had reviewed whether conditions should be placed on certain licenses implicated in these proceedings and had "declined to act." We are writing to make clear that, while Subcommittee staff has examined this issue and the competitive implications of these licenses, no decision or formal position has been taken by the Subcommittee on this matter. In fact, the Subcommittee did not "decline to act." Rather the Subcommittee, while considering the positions of all sides, explored this issue with the staff of the Federal Communications Commission and determined that the FCC staff had a solid grasp of the competitive implications raised by the proposed licenses. The Subcommittee remains committed to ensuring that competition flourishes in the deployment of the technologies associated with the Broadcast Flag regulations.

Thank you for your attention to this matter.

Very respectfully yours,

Mike DeWine

MIKE DEWINE

Chairman, Subcommittee on
Antitrust, Competition Policy, and
Consumer Rights

Herb Kohl

HERB KOHL

Ranking Member, Subcommittee on
Antitrust, Competition Policy, and
Consumer Rights

No. of Copies rec'd
List ABCDE

RECEIVED TIME AUG. 3. 3:30PM

PRINT TIME AUG. 3. 3:31PM